

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

Lori A Sutphin
AKA Lori Beth Ashcraft

Chapter 13
Case No. 21-30254-KLP

Debtor

OBJECTION TO CONFIRMATION

U.S. Bank Trust National Association, as Trustee of Dwelling Series IV Trust (“U.S. Bank”) by its undersigned attorneys, Orlans PC, hereby objects to the confirmation of the Chapter 13 plan filed by the Debtor Lori A Sutphin (“Debtor”), and as grounds therefore states as follows:

1. On or about June 30, 2005, James E. Sutphin executed and delivered to Prosperity Mortgage Company a promissory note (the “Note”) in the amount of TWO HUNDRED FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$252,500.00), plus interest at the fixed rate of 5.75% per annum, to be paid over thirty (30) years.
2. Lori A Sutphin and James E. Sutphin executed a Deed of Trust to Prosperity Mortgage Company dated June 30, 2005. The Deed of Trust is a first mortgage on real property owned by the Debtor known and numbered as 8314 Mendenhall Place, Mechanicsville, VA 23111.
3. The Deed of Trust is materially in default.
4. The Debtor’s Plan treats U.S. Bank’s claim in section 4(a), the cramdown section of a Chapter 13 plan, as opposed to section 6(a).

5. The Property is the Debtor's principal residence within the meaning of 11 U.S.C. § 1322(b)(2) and U.S. Bank's secured claim cannot be modified.

WHEREFORE, U.S. Bank Trust National Association, as Trustee of Dwelling Series IV Trust, by and through its attorneys prays that Confirmation be denied with leave to amend.

Date: March 3, 2021

Respectfully submitted,

/s/Daniel K. Eisenhauer

Daniel K. Eisenhauer, Bar #85242
Orlans PC
PO Box 2548
Leesburg, VA 20177
(703) 777-7101
Attorneys for U.S. Bank Trust National Association,
as Trustee of Dwelling Series IV Trust
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LORI A SUTPHIN
AKA LORI BETH ASHCRAFT

Chapter 13
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Debtor

U.S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE OF
DWELLING SERIES IV TRUST

Movant

v.

LORI A SUTPHIN
AKA LORI BETH ASHCRAFT
8314 MENDENHALL PLACE
MECHANICSVILLE, VA 23111
(Debtor)

SUZANNE E. WADE
341 DIAL 877-996-8484 CODE 2385911,
7202 GLEN FOREST DRIVE, STE. 202
RICHMOND, VA 23226
(Trustee)

Respondents

NOTICE OF OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN
AND NOTICE OF HEARING

U.S. Bank Trust National Association, as Trustee of Dwelling Series IV Trust has filed an objection to your Chapter 13 plan in this bankruptcy case.

Confirmation of your Chapter 13 plan may be denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny confirmation of your plan, then you and your attorney must:

ATTEND THE HEARING TO BE HELD:

at: Judge Phillips' Courtroom United States Bankruptcy Court Virginia, 701 East Broad Street, Richmond, VA 23219

on: April 21, 2021 at 9:10 AM

to consider and act upon Objection to Confirmation filed by U.S. Bank Trust National Association, as Trustee of Dwelling Series IV Trust

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to confirmation.

Date: March 3, 2021

Respectfully submitted,

/s/Daniel K. Eisenhauer

Daniel K. Eisenhauer, Bar #85242
Orlans PC
PO Box 2548
Leesburg, VA 20177
(703) 777-7101
Attorneys for U.S. Bank Trust National Association,
as Trustee of Dwelling Series IV Trust
deisenhauer@orlans.com

CERTIFICATE OF SERVICE

The undersigned states that on March 3, 2021, copies of the foregoing Objection to Confirmation were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Suzanne E. Wade
341 Dial 877-996-8484 Code 2385911, 7202 Glen Forest Drive, Ste. 202
Richmond, VA 23226
ecfsummary@ch13ricva.com
Bankruptcy Trustee

Henry W. McLaughlin, III
The Law Office of Henry McLaughlin, P.C.
Eighth and Main Building 707 East Main Street
Suite 1050
Richmond, VA 23219
Debtor's Attorney

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Objection to Confirmation to the following non-ECF participants:

Lori A Sutphin
8314 Mendenhall Place
Mechanicsville, VA 23111
Debtor

/s/Daniel K. Eisenhauer
Daniel K. Eisenhauer, Esquire